United Nations A/60/PV.44

General Assembly
Sixtieth session

Official Records

44th plenary meeting
Monday, 7 November 2005, 10 a.m.
New York

President: Mr. Eliasson ..... (Sweden)

The meeting was called to order at 10.15 a.m.

Agenda item 111 (*continued*)

Election to fill vacancies in principal organs

(c) Election of five members of the International Court of Justice

Memorandum by the Secretary-General (A/60/186)

List of candidates (A/60/187 and Corr.1 and A/60/187/Add.1)

Curricula vitae (A/60/188)

The President: The General Assembly will proceed to the election of five members of the International Court of Justice for a nine-year term of office commencing on 6 February 2006. The terms of office of the following judges expire on 5 February 2006: Mr. Vladlen Vereshchetin (Russian Federation), Mr. Pieter Kooijmans (Netherlands), Mr. Francisco Rezek (Brazil), Mr. Thomas Buergenthal (United States of America) and Mr. Nabil Elaraby (Egypt).

In connection with the election, I should like to bring the following matters to the attention of the members of the General Assembly.

I should like to confirm that, at this time, the Security Council, independently of the General Assembly, is also proceeding to elect five members of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides that

> "The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

Accordingly, the results of the voting in the General Assembly will be communicated to the Security Council only when five candidates have obtained the required majority in the Assembly.

I should like to draw the attention of the Assembly to the documents relating to the election. Document A/60/186 contains a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election. Document A/60/187 and corrigendum 1 contain the list of candidates nominated by national groups.

In this connection, I have received information from the Legal Counsel that, after the established deadline for nominating candidates, the following additional submissions were received from several national groups, all of which relate to the candidates already nominated by other national groups appearing in documents A/60/187 and corrigendum 1: Mohamed Bennouna (Morocco) has been nominated also by the national group of Argentina and Jordan; Thomas Buergenthal (United States of America) has been nominated also by the national group of Germany, Peru and Romania; Julio D. González Campos (Spain) has

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been nominated also by the national group of Argentina; Kenneth Keith (New Zealand) has been nominated also by the national group of Germany, Luxembourg and Papua New Guinea; Bernardo Sepúlveda Amor (Mexico) has been nominated also by the national group of Argentina, the Netherlands, Poland and Romania; and Leonid Skotnikov (Russian Federation) has been nominated also by the national group of Germany and Romania.

I should also like to draw the attention of the Assembly to a note by the Secretary-General, contained in an addendum to document A/60/187, which was issued this morning, in which he informs me that the national group of Niger decided to withdraw its nomination of Mr. Seidou Adamou Mazou as a candidate.

The Assembly also has before it document A/60/188 and corrigendum 1, which contains the curricula vitae of the candidates nominated by the national groups.

In accordance with Article 10, paragraph 1, of the Statute of the Court, those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors in the General Assembly are all 191 Member States. Accordingly, for the present election, 96 votes constitute an absolute majority in the General Assembly.

Pursuant to rule 151 of the rules of procedure of the Assembly, if in the first ballot the number of candidates obtaining an absolute majority is less than five, a second ballot will be held and balloting will continue at the same meeting until five candidates have obtained the required majority.

At its 915th meeting, on 16 November 1960, the General Assembly decided that ballots shall be unrestricted. That decision has been followed consistently.

I should like to bring another matter to the attention of the General Assembly. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The same also occurred in the General Assembly, at the 45th plenary meeting of the fifty-fourth session, on 3 November 1999.

Both organs decided to hold a new ballot on all the candidates, and no notification to the President of the other organ was made until only the required number of candidates, and no more, had obtained an absolute majority.

May I take it that the General Assembly agrees to the same procedure should the case arise at this election?

It was so decided.

The President: I should like to remind representatives that, pursuant to rule 88 of the rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

Any announcements, including those concerning withdrawals of candidatures, should therefore be made prior to the commencement of the voting process, that is to say before the announcement of the beginning of the voting process.

I should like to seek the usual cooperation of representatives during the time of the conduct of the election. Please be reminded that during the voting process all campaigning should cease in the General Assembly Hall. This means in particular that once the election has begun no more campaign material can be distributed inside the Hall. All representatives are also requested to remain at their seats so that the voting process can proceed in an orderly manner. I thank representatives in advance for their cooperation.

We shall now begin the voting process. Ballot papers will now be distributed.

Representatives are requested to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible. Representatives will indicate the five candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Tapiwa Mongwa (Botswana), Ms. Petra Ali Doláková (Czech Republic), Ms. Noemi Strauss (Liechtenstein), Mr. Vince Sinning (Marshall Islands), Mr. Ram Babu Dhakal (Nepal) and Mrs. Elda Cepeda (Dominican Republic) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.30 a.m. and resumed at 12 noon.

The President: The result of the voting is as follows:

Number of ballot papers:	190
Number of invalid ballots:	0
Number of valid ballots:	190
Abstentions:	0
Number of members voting:	190
Required absolute majority:	96
Number of votes obtained:	
Mr. Bernardo Sepúlveda Amor (Mexico):	147
Mr. Leonid Skotnikov (Russian Federation):	145
Mr. Kenneth Keith (New Zealand):	143
Mr. Thomas Buergenthal (United States of America):	141
Mr. Mohamed Bennouna (Morocco):	138
Mr. Julio D. González Campos (Spain):	125
Mr. Abdelfattah Amor (Tunisia):	82

In the ballot just completed, more than five candidates — in this case, six candidates — have obtained an absolute majority. Pursuant to the decision taken by the General Assembly at the 45th plenary meeting of its fifty-fourth session on 3 November 1999 and in accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates — that is, five and no more — obtains an absolute majority.

We shall therefore proceed to another unrestricted ballot to fill the five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

All the candidates whose names appear on the ballot paper are eligible. May I once again remind representatives that the names of only five candidates should be marked with a cross. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Koffi Gaston Yao (Côte d'Ivoire), Ms. Petra Ali Doláková (Czech Republic), Mrs. Elda Cepeda (Dominican Republic), Ms. Noemi Strauss (Liechtenstein), Mr. Vince Sinning (Marshall Islands) and Mr. Ram Babu Dhakal (Nepal) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.15 p.m. and resumed at 1 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	186
Number of invalid ballots:	0
Number of valid ballots:	186
Abstentions:	0
Number of members voting:	186
Required absolute majority:	96
Number of votes obtained:	
Mr. Leonid Skotnikov (Russian Federation):	151
Mr. Bernardo Sepúlveda Amor (Mexico):	150
Mr. Kenneth Keith (New Zealand):	147
Mr. Mohamed Bennouna (Morocco):	138
Mr. Thomas Buergenthal (United States of America):	136
Mr. Julio D. González Campos (Spain):	115
Mr. Abdelfattah Amor (Tunisia):	47

In the ballot just completed, more than five candidates — in this case, six candidates — have obtained an absolute majority. Pursuant to the decision taken by the General Assembly at the 45th plenary meeting of its fifty-fourth session, held on 3 November 1999, and in accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates — that is, five and no more — obtains an absolute majority.

In view of the lateness of the hour and the possible need for deliberations, further balloting will be postponed until later this afternoon.

The meeting was suspended at 1.05 p.m.

Mr. Cabral (Guinea-Bissau), Vice-President, took the Chair.

The meeting resumed at 3.10 p.m.

The Acting President: We will proceed to another unrestricted ballot to fill the five vacancies.

I should like to inform representatives that the President of the General Assembly has received two letters dated today, Monday, 7 November 2005, informing him that the national group of Sweden and Tunisia wishes to withdraw the candidature of Mr. Abdelfattah Amor.

As Mr. Abdelfattah Amor was nominated by only that one national group, he is, therefore, no longer a candidate. His name should be deleted from the ballot paper.

The ballots which will be distributed shortly will reflect that withdrawal.

We shall now begin the voting process. Ballot papers will now be distributed.

All the candidates whose names appear on the ballot paper are eligible. May I once again remind representatives that the names of only five candidates should be marked with a cross. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the Acting President, Mr. Koffi Gaston Yao (Côte d'Ivoire), Ms. Petra Ali Doláková (Czech Republic), Mrs. Elda Cepeda (Dominican Republic), Ms. Noemi Strauss (Liechtenstein), Mr. Vince Sinning (Marshall Islands) and Mr. Ram Babu Dhakal (Nepal) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.20 p.m. and resumed at 4 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	190
Number of invalid ballots:	0
Number of valid ballots:	190
Abstentions:	0
Number of members voting	190
Required absolute majority:	96

Number of votes obtained:

Mr. Mohamed Bennouna (Morocco):	165
Mr. Bernardo Sepúlveda Amor (Mexico):	159
Mr. Leonid Skotnikov (Russian Federation):	156
Mr. Kenneth Keith (New Zealand):	153
Mr. Thomas Buergenthal (United States of America):	139
Mr. Julio D. González Campos (Spain):	107

In the ballot just completed, more than five candidates — in this case, six candidates — have obtained an absolute majority. In accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates — that is, five and no more — obtain an absolute majority.

We shall therefore proceed to another unrestricted ballot to fill the five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

All the candidates whose names appear on the ballot paper are eligible. May I once again remind delegations that the names of only five candidates should be marked with a cross. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the Acting President, Mr. Koffi Gaston Yao (Côte d'Ivoire), Ms. Petra Ali Doláková (Czech Republic), Mrs. Elda Cepeda (Dominican Republic), Ms. Noemi Strauss (Liechtenstein), Mr. Vince Sinning (Marshall Islands) and Mr. Ram Babu Dhakal (Nepal) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.15 p.m.

The President returned to the Chair.

The meeting resumed at 5.55 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	189
Number of invalid ballots:	0
Number of valid ballots:	189
Abstentions:	0

Number of members voting:	189
Required absolute majority:	96
Number of votes obtained:	
Mr. Mohamed Bennouna (Morocco):	158
Mr. Bernardo Sepúlveda Amor (Mexico):	158
Mr. Kenneth Keith (New Zealand):	149
Mr. Leonid Skotnikov (Russian Federation):	145
Mr. Thomas Buergenthal (United States of America):	134
Mr. Julio D. González Campos (Spain):	89

The following five candidates have obtained an absolute majority in the General Assembly: Mr. Mohamed Bennouna, Mr. Thomas Buergenthal, Mr. Kenneth Keith, Mr. Bernardo Sepúlveda Amor and Mr. Leonid Skotnikov.

I have communicated the result of the voting to the President of the Security Council.

I have also received a letter from the President of the Security Council, which reads:

"I have the honour to inform you that at the 5299th meeting of the Security Council, held on 7 November 2005 for the purpose of electing five members of the International Court of Justice for a term of office beginning on 6 February 2006, Mr. Mohamed Bennouna, Mr. Thomas Buergenthal, Mr. Kenneth Keith, Mr. Bernardo Sepúlveda Amor and Mr. Leonid Skotnikov obtained an absolute majority of votes."

As a result of the independent voting in the Security Council and in the General Assembly, the following five candidates have obtained an absolute majority in both organs: Mr. Mohamed Bennouna, Mr. Thomas Buergenthal, Mr. Kenneth Keith, Mr. Bernardo Sepúlveda Amor and Mr. Leonid Skotnikov. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing on 6 February 2006. I should like to take this opportunity to extend to them the congratulations of the Assembly on their election and to thank the tellers for their assistance.

We have thus concluded our consideration of sub-item (c) of agenda item 111.

The meeting rose at 6.05 p.m.